

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 29957 of 2003(N)

PETITIONER:

THE PRINCIPAL,
ST.MARY'S INDUSTRIAL TRAINING
CENTER, MANARKAD, KOTTAYAM DT.

BY ADV. SRI.K.M.VARGHESE

RESPONDENTS:

1. THE DIRECTOR OF TRAINING
DEPARTMENT OF INDUSTRIAL TRAINING,
THYCAUD, THIRUVANANTHAPURAM - 14.
2. DIRECTOR GENERAL OF EMPLOYMENT AND
TRAINING NATIONAL COUNCIL FOR VOCATIONAL
TRAINING (NCVT), MINISTRY OF LABOUR,
GOVT. OF INDIA, NEW DELHI.

BY GOVERNMENT PLEADER – ADV. SMT.R.BINDU
SRI.P.MURALEEDHARAN, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05/03/2007, ALONG WITH WPC NO. 33550 OF 2004
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF PROCEEDINGS DATED 27/07/2000 ISSUED BY THE DIRECTOR OF TRAINING.

EXT.P2 COPY OF LETTER DATED 16/10/2001 ISSUED BY THE TRAINING DIRECTOR.

EXT.P3 COPY OF THE ADMISSION REGISTER WITH FORMAT IV DATED 28/11/2001.

EXT.P4 COPY OF THE NOTIFICATION DATED 05/04/2003 ISSUED BY THE 1ST RESPONDENT.

EXT.P5 COPY OF ADMISSION TICKET.

EXT.P6 COPY OF REPRESENTATION DATED 06/08/2003 SUBMITTED BY THE PETITIONER.

EXT.P7 COPY OF REPRESENTATION ON 14/08/2003 TO THE 1ST RESPONDENT.

EXT.P8 COPY OF ORDER DATED 11/09/2003 ISSUED BY THE 1ST RESPONDENT.

EXT.P9 COPY OF PROCEEDINGS DATED 03/04/1996 ISSUED BY THE RESPONDENT NO. 1.

EXT.P9 COPY OF STATEMENT CONTAINING THE PARTICULARS REGARDING THE INFRASTRUCTURE SUBMITTED BY THE PETITIONER.

EXT.P9(a) COPY OF THE STATEMENT CONTAINING THE DETAILS OF INSTRUCTIONAL AND SUPERVISORY STAFFS OF THE PETITIONER INSTITUTION.

EXT.P9(b) COPY OF THE STATEMENT REGARDING THE ADMINISTRATIVE AND MINISTERIAL STAFFS OF THE PETITIONER.

EXT.P10 COPY OF THE PARTICULARS FURNISHED BY THE PETITIONER to the SECRETARY NCVT IN RESPECT OF SURVEYOR TRADE.

EXT.P11 COPY OF THE STATEMENT FURNISHED IN PROFORMA 'D' TO THE AFFILIATION STANDING COMMITTEE.

EXT.P12 COPY OF STATEMENT CONTAINING THE TRADE WISE NUMBER OF TRAINEES ON THE ROLL ON THE DATE OF INSPECTION.

EXT.P13 COPY OF LETTER DATED 21/11/1985 ISSUED BY THE RESPONDENTS.

EXT.P14 COPY OF ADMISSION REGISTER VERIFIED ON 09/12/1985.

EXT.P15 COPY OF ADMISSION REGISTER VERIFIED ON 17/08/1986.

// TRUE COPY //

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 29957 of 2003 & 33550 of 2004

Dated, this the 5th day of March, 2007

J U D G M E N T

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

2. In these two connected cases, the question is about scope of Ext. P1 in WPC 29957/2003, which pertains to affiliation granted by NCVT for ITI Surveyor Course for one unit with effect from August 2000. The institute is run by the management, which is the petitioner in WPC 33550/2004. The learned counsel contended that the institute was started in the year 1978 and all other trades, except the Surveyor trade, are affiliated to NCVT. However, for the first time affiliation was granted for the Surveyor Course on 27/07/2000 vide Ext.P1. The learned counsel for the NCVT submitted that the affiliation granted is for one unit containing 19 students w.e.f. August 2000 onwards, which means that in every two years, management can admit students for the said course and not in every year as claimed by the management. I am unable to accept this contention because Ext.P1 clearly means that affiliation is on regular basis and that is

for one unit of students (19 Nos.) w.e.f. August 2000, which means that every year Management can admit one-batch students in the Surveyor Course with 19 students (one unit). The admission of students for the petitioner's institute in 29957/2003 is in July 2001, which is consistent with Ext.P1 produced in the said writ petition. These writ petitions are therefore allowed directing NCVT to grant affiliation and award certificates to the students who joined the first year in Surveyor Course in July 2001 also. If the management wants, they can continue to admit 19 students (one unit) every year for the same course under Ext.P1, as long as the affiliation stands.

These writ petitions are allowed as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)